

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2536

Introduced by Assembly Member Mullin

February 21, 2014

~~An act to amend Section 3300 of the Public Utilities Code, relating to energy. An act to amend Section 230.3 of the Labor Code, relating to employees.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2536, as amended, Mullin. ~~California Consumer Power and Conservation Financing Authority. Employees: emergency rescue personnel.~~

Existing law prohibits an employer from discharging or in any manner discriminating against an employee for taking time off to perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. Existing law defines emergency rescue personnel to include an officer, employee, or member of a political subdivision of the state, or of a sheriff's department, police department, or a private fire department. Existing law further requires the employer to reinstate and reimburse an employee who is discharged or in any other manner discriminated against in his or her employment in violation of these provisions. Under existing law, any employer who willfully refuses to rehire, promote, or otherwise restore an employee, as specified, is guilty of a misdemeanor.

This bill would expand the definition of emergency rescue personnel to include an officer, employee, or member of a disaster medical response entity sponsored or requested by the state. By expanding the

scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The California Consumer Power and Conservation Financing Authority Act declares the intent of the Legislature in establishing the authority.~~

~~This bill would make a technical, nonsubstantive change to that declaration of legislative intent.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 230.3 of the Labor Code is amended to
2 read:

3 230.3. (a) ~~No~~ An employer shall *not* discharge or in any
4 manner discriminate against an employee for taking time off to
5 perform emergency duty as a volunteer firefighter, a reserve peace
6 officer, or emergency rescue personnel.

7 (b) ~~Any~~ An employee who is discharged, threatened with
8 discharge, demoted, suspended, or in any other manner
9 discriminated against in the terms and conditions of employment
10 by his or her employer because the employee has taken time off
11 to perform emergency duty as a volunteer firefighter, a reserve
12 peace officer, or emergency rescue personnel shall be entitled to
13 reinstatement and reimbursement for lost wages and work benefits
14 caused by the acts of the employer. Any employer who willfully
15 refuses to rehire, promote, or otherwise restore an employee or
16 former employee who has been determined to be eligible for
17 rehiring or promotion by a grievance procedure, arbitration, or
18 hearing authorized by law, is guilty of a misdemeanor.

19 (c) Subdivisions (a) and (b) of this section shall not apply to
20 any public safety agency or provider of emergency medical services
21 ~~when~~, if, as determined by the employer, the employee's absence

1 would hinder the availability of public safety or emergency medical
2 services.

3 (d) (1) For purposes of this section, “volunteer firefighter” shall
4 have the same meaning as the term “volunteer” in ~~subdivision (m)~~
5 of Section 50952 of the Government Code.

6 (2) For purposes of this section, “emergency rescue personnel”
7 means any person who is an officer, employee, or member of a
8 fire department or fire protection or firefighting agency of the
9 federal government, the State of California, a city, county, city
10 and county, district, or other public or municipal corporation or
11 political subdivision of this state, or of a sheriff’s department,
12 police department, or a private fire department, *or of a disaster*
13 *medical response entity sponsored or requested by this state,*
14 whether that person is a volunteer or partly paid or fully paid, while
15 he or she is actually engaged in providing emergency services as
16 defined by ~~subdivision (e)~~ of Section 1799.107 of the Health and
17 Safety Code.

18 *SEC. 2. No reimbursement is required by this act pursuant to*
19 *Section 6 of Article XIII B of the California Constitution because*
20 *the only costs that may be incurred by a local agency or school*
21 *district will be incurred because this act creates a new crime or*
22 *infraction, eliminates a crime or infraction, or changes the penalty*
23 *for a crime or infraction, within the meaning of Section 17556 of*
24 *the Government Code, or changes the definition of a crime within*
25 *the meaning of Section 6 of Article XIII B of the California*
26 *Constitution.*

27 ~~SECTION 1. Section 3300 of the Public Utilities Code is~~
28 ~~amended to read:~~

29 ~~3300. The Legislature finds and declares that to provide the~~
30 ~~citizens of California with reliable, affordable electrical power, to~~
31 ~~ensure sufficient power reserves, to assure stability and rationality~~
32 ~~in California’s electricity market, to encourage energy efficiency~~
33 ~~and conservation as well as the use of renewable energy resources,~~
34 ~~and to protect the public health, welfare, and safety, the state needs~~
35 ~~to finance, purchase, lease, own, operate, acquire, or otherwise~~
36 ~~provide financial assistance for public and private facilities for the~~
37 ~~generation and transmission of electricity and for renewable energy,~~
38 ~~energy efficiency, and conservation programs.~~

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